

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:10-CV-511

FILED
CHARLOTTE, NC

NOV 15 2010

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

FRONT ROW MOTORSPORTS, INC.,)
)
Plaintiff,)
)
vs.)
)
ExCLAIM, LLC,)
KEVIN CONWAY,)
BIOTAB NUTRACEUTICALS, INC.,)
ROBERT WILHOVSKY, and)
ROBERT WINTER,)
)
Defendants.)
_____)

CONSENT ORDER TO REMAND

THIS MATTER IS BEFORE THE COURT upon the Motion of Plaintiff Front Row Motorsports, Inc. for remand of this matter to the Superior Court of Mecklenburg County, North Carolina (the "State Trial Court");

AND IT APPEARING TO THE COURT that this matter was removed from the State Trial Court by Notice of Removal filed jointly by all defendants on October 13, 2010, on the basis of diversity jurisdiction, 28 U.S.C. § 1332;

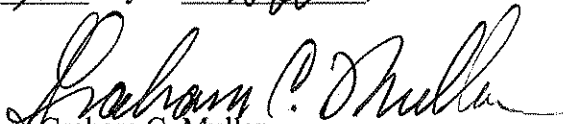
AND IT FURTHER APPEARING TO THE COURT, upon the face of the Notice of Removal and the pleadings, that Defendant ExCLAIM, LLC, Defendant Kevin Conway, and Defendant Robert Wilhovsky are all citizens of the State of North Carolina, and therefore that removal of this action was procedurally improper pursuant to 28 U.S.C. §1441(b);

AND IT FURTHER APPEARING TO THE COURT that Plaintiff has moved for a remand of this case within thirty (30) days of Defendants' filing of their Notice of Removal from the State Trial Court, and that such Motion is therefore timely;

AND IT FURTHER APPEARING TO THE COURT that following notice of Plaintiff's intent to file its Motion to Remand pursuant to Local Rule, that counsel for Defendants has consented to grant of the relief sought;

NOW, THEREFORE, by and with the consent of all parties, it is hereby ORDERED that this matter be summarily remanded to the Superior Court of Mecklenburg County, North Carolina.

IT IS SO ORDERED this 15th day of Nov, 2010.


s/ Graham C. Mullen

HONORABLE GRAHAM C. MULLEN
UNITED STATES SENIOR DISTRICT JUDGE

WE CONSENT:

MORETZ AND SKUFCA, PLLC

By: s/ Ronald A. Skufca

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